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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

March 17, 1995

VIA CERTIFIED MAIL

P 335 073 621

Mr. Anton Muzzarelli
Mid-City Plating Co., Inc.
4107 Peachtree Lane
Muncie, IN 47304

Dear Mr. Muzzarelli:

1993-7052-14

Re: Adoption of Agreed Order in
Cause No. H-11522
Indiana Dept. of Environmental Mgt.
versus
Mid-City Plating Company, Inc.

This is to inform you that the Commissioner of the Indiana Department of Environmental Management has approved and adopted the Agreed Order, negotiated between you or your representatives and members of our staff. A copy of the Final Order, executed by the Commissioner on behalf of the Department of Environmental Management, is enclosed.

You are, no doubt, familiar with the terms of the Final Order necessary to ensure future compliance. The time frames for compliance are effective upon your receipt of this correspondence. As to the civil penalty provided for in paragraph 19 of the document, please forward a check for the first installment, made payable to the Environmental Management Special Fund, to the Cashier's Office within thirty (30) days of the effective date of this Order.

Please direct any questions you may have, or any submittals required under the Order to Mr. Richard R. Milton of the Hazardous Waste Section, Office of Enforcement, at this address or contact Mr. Milton by telephone at 317/232-4463.

Sincerely,

Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

RRM/rmw
Enclosure

cc: Delaware County Health Department (w/enclosure)
Mr. S. Andrew Bowman
Office of Legal Counsel (w/enclosure)
Ms. Rosemary W. Cantwell (w/original enclosure)
Mr. Mike Wilhelm, OSHWM



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STATE OF INDIANA)
COUNTY OF MARION) SS: BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT OF)
ENVIRONMENTAL MANAGEMENT,)

Complainant,)

v.)

MID-CITY PLATING COMPANY, INC.,)

Respondent.)

CAUSE NO. H-11522

AGREED ORDER

The Commissioner and the Respondent, being desirous of settling and compromising this action without hearing or adjudication of any issue of fact or law, hereby consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-7-11-2(b), entry into this agreement does not constitute an admission of any violation contained herein, or in the Notice of Violation issued on March 10, 1994.

FINDINGS OF FACT

Upon the consent of the parties hereto, the following findings are made:

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-7-2-11.
2. Complainant has jurisdiction over the Respondent and the subject matter of this action.
3. Mid-City Plating Co., Inc. (hereinafter referred to as "Respondent") operates a place of business, located at 416 South Hackley Street, Muncie, Indiana.
4. Respondent submitted notification of hazardous waste activities to the United States Environmental Protection Agency ("U.S. EPA") on August 14, 1980, as amended October 18, 1982, as a generator. The facility was assigned the U.S. EPA I.D. number IND 006049456.
5. Based upon an investigation of the facility on December 17, 1992, by the Office of Solid and Hazardous Waste Management (hereinafter referred to as the

"OSHW") of the IDEM, the IDEM contends that the following violations were in existence or observed at the time of the inspection.

- a. Pursuant to 40 CFR 262.34(b), a generator who accumulates hazardous waste for more than ninety (90) days is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR 270. Based on information gathered by the IDEM, Respondent stored approximately twenty-seven (27) 55-gallon drums of F007/F008 cyanide residue and solution for nearly two (2) years. Several drums and numerous smaller containers of obsolete and unusable chemicals were also stored for greater than ninety (90) days. This storage occurred in the "old chrome shop" at the east end of the building. Respondent has not complied with all applicable standards for owners or operators of hazardous waste storage facilities.

Respondent contends that all of the above-referenced "numerous smaller containers of obsolete and unusable chemicals" (except three containers of Magnifilm 31 (a rust inhibitor)) were useful chemicals which were not obsolete and were ultimately used in Respondent's plating process. Respondent further contends that the Magnifilm 31 was still a usable product which Respondent potentially could have used or sold, and thus, Respondent did not believe that the Magnifilm 31 was a waste at the time of the inspection. Respondent subsequently determined that it could not use the Magnifilm 31 and properly disposed of it as a hazardous waste.

- b. Pursuant to 329 IAC 3.1-1-10 and IC 13-7-4-1(9), every hazardous waste generator, transporter, or owner or operator of a hazardous waste storage facility shall notify the commissioner of the IDEM of such activities on forms provided by the commissioner. Based on information gathered by the IDEM, Respondent has not notified the commissioner of its activities as a hazardous waste storage facility.

Respondent contends it never intended to operate as a hazardous waste storage facility and therefore did not notify the Commissioner.

- c. Pursuant to 40 CFR 262.11, a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Based on information gathered by the IDEM, Respondent had not made proper hazardous waste determinations for the following:

1. Obsolete, leftover, and off-specification (unusable) plating shop chemicals. There were at least six (6) 55-gallon drums of unidentified materials and "black chromate," more than twenty (20) smaller liquid containers, and two (2) boxes of peroxide, all stored in the old plating room.
2. The wastes spilled on the floor and contained in the troughs in the old plating room.

Respondent contends that the above-referenced "obsolete, leftover and off-specification" chemicals were nearly all usable chemicals which have since been used up in Respondent's plating process rather than wastes and

that hazardous waste determinations were therefore not required. Respondent further contends that certain of such containers were noted to be empty by the IDEM's inspectors. Respondent states that the three containers of Magnifilm 31 all contained virgin product at the time of the inspection, which was not a waste until Respondent subsequently elected to handle the three containers of Magnifilm 31 as a hazardous waste after it was determined that this product would not be used, and it was infeasible to sell or return it. At such time Respondent then properly manifested the Magnifilm 31 for off-site disposal. Respondent contends that material on the floor surface of the old plating room has been cleaned up. Respondent recently has conducted analysis of the material in the old chrome shop floor trough and has concluded that the material is hazardous only by virtue of the existence of chromium. No cyanide was detected in the trough material. The material in the trough will be cleaned up, properly contained and shipped off-site for disposal pursuant to Respondent's closure plan.

- d. Pursuant to 40 CFR 262.34(a)(3), containers used for the accumulation of hazardous waste must be marked or labeled with the words "Hazardous Waste." Based on information gathered by the IDEM, Respondent failed to label three (3) 55-gallon drums of hazardous waste near the cyanide destruction tank with the words "Hazardous Waste."

Respondent contends that these three containers were all subsequently properly labelled and shipped off-site for disposal. Respondent states that it now properly labels all containers containing hazardous waste.

- e. Pursuant to 40 CFR 262.34(a)(2), generators must mark the accumulation start date on each container of hazardous waste. Based on information gathered by the IDEM, Respondent failed to label the three (3) drums referenced in Finding d. with accumulation start dates.

Respondent contends that these three containers were all subsequently properly labelled and shipped off-site for disposal. Respondent states that it now properly labels containers accumulating hazardous waste with the accumulation start date.

- f. Pursuant to 40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.171, containers used for the accumulation of hazardous waste must be in good condition. Based on information gathered by the IDEM, approximately 27 containers holding F007 and F008 hazardous wastes (cyanide residue and solution) in the container storage area (CSA) at the east end of the building ("old chrome shop") were corroded and leaking.

Respondent states that all 27 containers containing F007/F008 cyanide residue and solution were repacked and have been shipped off-site for disposal. Respondent also contends that several of the twenty-seven (27) containers were in good condition, and that no release to the environment occurred as a result of the containers' condition.

- g. Pursuant to 40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.172, a generator must use a container made of or lined with material which is

compatible with the waste being stored. Based on information gathered by the IDEM, Respondent failed to store the F007/F008 wastes referenced in Finding f., in compatible containers.

Respondent states that the 27 containers containing F007/F008 cyanide residue and solution were repacked and have been shipped off-site for disposal. Respondent also contends that it used steel and plastic containers which it believes were compatible with the containers' contents.

- h. Pursuant to 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a), a container holding hazardous waste must always be closed during storage except when it is necessary to add or remove waste. Based on information gathered by the IDEM, Respondent had several containers of hazardous waste which were not stored closed. They included:

1. Several of the containers identified in Finding f above, and three (3) pails of plating sludge located in this same area.
2. At least one (1) drum each of alkaline cleaner and of black chromate stored in the old plating room, and several unidentified containers also stored in this same area.
3. Two (2) drums of plating sludge, one (1) drum of spent alkaline cleaner (both at the cyanide destruction tank area) and the roll-off container of F006 hazardous waste stored outside in the back of the facility.

Respondent states that it now properly keeps all hazardous waste containers closed except when it is necessary to add or remove waste. Respondent also contends that certain of the containers contained usable products rather than wastes.

- i. Pursuant to 40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.174, a generator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. Based on information gathered by the IDEM, Respondent failed to conduct inspections in areas where containers of hazardous waste were stored.

Respondent states that Respondent's Slug Control Plan now provides expressly for weekly inspections, and a log is kept of such inspections.

- j. Pursuant to 40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.173(b), a container holding hazardous waste must not be stored in a manner which may cause the container to leak. Based on information gathered by the IDEM, Respondent stored hazardous waste in a manner which caused the containers to corrode and leak in the CSA.

Respondent has taken steps to improve its container management, including the purchase of container pallets with secondary containment systems.

- k. Pursuant to 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d), the generator must maintain the required hazardous waste training documents and records at the facility. Based on information gathered by the IDEM, Respondent failed to maintain the following personnel training documents and records at the facility:

1. Job titles for positions related to hazardous waste management.
2. The names of employees filling each job title.
3. Descriptions of both introductory and continuing training required for each hazardous waste management position.

Respondent states that Respondent's Personnel Training Program document now properly contains job titles for positions related to hazardous waste management, the names of employees filling each job title, and descriptions for both introductory and continuing training required for each hazardous waste management position.

- l. Pursuant to 40 CFR 262.34(a)(4) referencing 40 CFR 265.51, the contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to the air, soil, or surface water. Based on information gathered by the IDEM, Respondent's contingency plan did not detail the actions personnel must take to respond to spills or accidents involving oxidizers in use at the facility.

Respondent states that Respondent's Contingency Plan now properly details actions personnel must take to respond to oxidizer incidents.

- m. Pursuant to 40 CFR 262.34(a)(4) referencing 40 CFR 265.52, each facility's contingency plan must contain the required contents as described in the above-referenced section. Based on information gathered by the IDEM, Respondent's contingency plan did not include the following:

1. A description of arrangements made with local and state authorities and emergency response organizations to provide emergency services.
2. A list of current facility emergency coordinators and their addresses and telephone numbers.
3. A complete list of emergency equipment available at the facility and other required information related to this equipment as contained in 40 CFR 265.52(e).
4. An evacuation plan for the facility.

In connection with Findings 5m and 5p, Respondent states as follows: Respondent's Contingency Plan now properly includes: (1) a list of

current facility emergency coordinators and their addresses and telephone numbers; (2) a list of emergency equipment available at the facility; and (3) an evacuation plan for the facility. Respondent has also taken steps to make arrangements with local police, fire, hospital and emergency response agencies. In October, 1993, Respondent sent copies of a prior version of the Contingency Plan via certified mail to the Muncie Police Department, the Muncie Fire Department and Ball Memorial Hospital. Certified mail receipts were received from all three agencies. Ball Memorial Hospital responded with a specific agreement to provide necessary services. No such response was received from the Police or Fire Departments. On April 27, 1994, Respondent submitted a revised Contingency Plan to the IDEM. Upon the IDEM's approval of the revised Contingency Plan, Respondent will send copies of the revised Contingency Plan via certified mail to the above three agencies and to the local Emergency Planning Commission. Respondent will thereafter attempt to make appropriate arrangements with the Police and Fire Departments and the local Emergency Planning Commission.

- n. Pursuant to 40 CFR 262.34(a)(4) referencing 40 CFR 265.31, facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Based on information gathered by the IDEM, Respondent failed to maintain its facility in the appropriate manner as evidenced by the poor condition of hazardous waste containers, unattended spills, and the storing of reactive wastes without protection from incompatible materials (cyanide-bearing wastes and peroxide).

Respondent contends that cyanide is not incompatible with peroxide.

- o. Pursuant to 40 CFR 262.34(a)(4), referencing 40 CFR 265.35, the generator must maintain adequate aisle space for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. Based on information gathered by the IDEM, Respondent failed to maintain adequate aisle space in the "old chrome shop" CSA.

Respondent contends that adequate aisle space of at least 24 inches is currently being provided between containers as recommended by the U.S. EPA's Revised 1993 RCRA Inspection Manual.

- p. Pursuant to 40 CFR 262.34(a)(4) referencing 40 CFR 265.37, the generator must attempt to make arrangements for services with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams. Based on information gathered by the IDEM, Respondent has not attempted to make emergency arrangements with local authorities.
6. Respondent contends it did not intend to operate as a storage facility and does not intend to operate as a storage facility in the future.

7. Pursuant to IC 13-7-11-2(b), IDEM issued a Notice of Violation via Certified Mail on March 10, 1994, to:

Mr. Anton Muzzarelli
Mid-City Plating Co., Inc.
4107 Peachtree Lane
Muncie, Indiana 47304
8. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order and agrees not to contest the jurisdiction of Complainant to enter into this Order.
9. Respondent enters into this Agreed Order to resolve disputes concerning the alleged violations of state hazardous waste laws and regulations in an effort to avoid the expense of protracted litigation. This Agreed Order, including the Findings, the Orders and the payment by Respondent of the civil penalty in the amount of \$41,400, is not to be construed as an admission by Respondent of any past, present or potential violation of any applicable law, statute or regulation, liability or the allegations contained in the Notice of Violation.
10. The parties agree that settlement of these matters is in the public interest and that this Agreed Order is the most appropriate means of resolving these matters.

I. ORDER

WHEREFORE, based upon the Findings of Fact and upon the consent of the parties, it is hereby ORDERED that:

1. Within thirty (30) days of the effective date of the Order, Respondent shall manifest off-site all hazardous waste which has been stored for greater than ninety (90) days. Respondent shall submit copies of all manifests to IDEM for review.

Respondent submitted copies of such manifests to IDEM on April 27, 1994.
2. Within thirty (30) days of the effective date of the Order, Respondent shall complete waste determinations, in conformance with 40 CFR 262.11, on all containers of unidentified wastes on the premises, including (but not limited to) the obsolete, leftover, and off-specification (unusable) plating shop chemicals and all wastes spilled or in troughs in the old plating room.

Respondent submitted waste determinations for the Magnifilm 31 and the old chrome shop floor trough material to the Complainant on April 27, 1994.
3. Upon the effective date of the Order, Respondent shall label or mark all drums accumulating hazardous waste with the words "Hazardous Waste" pursuant to 40 CFR 262.34(a)(3).
4. Upon the effective date of the Order, Respondent shall clearly mark on each container the date upon which each period of accumulation of hazardous waste begins pursuant to 40 CFR 262.34(a)(2).

5. Upon the effective date of the Order, Respondent shall complete transfer of all hazardous waste from containers in poor condition to containers in good condition. In addition, Respondent shall implement measures to ensure the containers will be managed in accordance to 40 CFR 262.34(a)(1)(i) incorporating 40 CFR 265.171.

Respondent submitted a description of its container management to the Complainant as part of Respondent's Personnel Training Plan on April 27, 1994. It is currently under review by IDEM staff.

6. Upon the effective date of the Order, Respondent shall ensure that hazardous waste containers are made of or lined with material which is compatible with the waste being stored in them pursuant to 40 CFR 262.34(a)(1)(i) incorporating 40 CFR 265.172.
7. Upon the effective date of the Order, Respondent shall ensure that all containers of hazardous waste are stored closed except when it is necessary to add or remove waste pursuant to 40 CFR 262.34(a)(1)(i) incorporating 40 CFR 265.173(a).
8. Upon the effective date of the Order, Respondent shall conduct, at least weekly, inspections of the container storage areas pursuant to 40 CFR 262.34(a)(1)(i) incorporating 40 CFR 265.174.
9. Upon the effective date of the Order, Respondent shall implement measures to ensure that the facility is maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment pursuant to 40 CFR 262.34(a)(4) incorporating 40 CFR 265.31. Include these measures in the personnel training program and provide documentation that employees are given the training.

Respondent submitted training documentation to the Complainant on May 9, 1994.

10. Upon the effective date of the Order, Respondent shall provide adequate aisle space for the unobstructed movement of personnel and equipment in the CSA pursuant to 40 CFR 262.34(a)(4) incorporating 40 CFR 265.34.
11. Within thirty (30) days after Complainant's approval of Respondent's revised Contingency Plan, Respondent shall attempt to make arrangements for emergency services with local emergency authorities pursuant to 40 CFR 262.34(a)(4) incorporating 40 CFR 265.37. Respondent shall submit documentation of these attempts to the IDEM for review.

Respondent submitted a revised Contingency Plan to the IDEM on April 27, 1994 for Complainant's review and approval.

12. Within thirty (30) days of the effective date of the Order, Respondent shall revise its contingency plan pursuant to 40 CFR 262.34(a)(4) incorporating 40 CFR 265.52 to include the following:

- a. A description of arrangements or attempted arrangements with local and state authorities and emergency response organizations to provide emergency services.
- b. A list of the facility's current emergency coordinators with their addresses and telephone numbers (home and office).
- c. A complete list of emergency equipment available at the facility and other required information related to this equipment as contained in 40 CFR 265.52(e).
- d. An evacuation plan for the facility.

Respondent has submitted a copy of the revised contingency plan to the IDEM for review.

- 13. Within thirty (30) days of the effective date of the Order, Respondent shall upgrade its personnel training records pursuant to 40 CFR 262.34(a)(4) incorporating 40 CFR 265.16(d) to include:
 - a. Job titles for positions related to hazardous waste management.
 - b. The names of employees filling each job title.
 - c. Descriptions of both introductory and continuing training for each hazardous waste management position, including those measures described in Orders 5 and 9.

Respondent has submitted a copy of the revised training records to the IDEM for review.

- 14. Within thirty (30) days of the effective date of the Order, Respondent shall submit to IDEM for approval, a closure plan for the "old chrome shop" F007/F008 cyanide residue and solution CSA in accordance with the provisions of 40 CFR 265, Subpart G. If the IDEM determines that the closure plan as submitted by Respondent is deficient, the IDEM shall provide a written determination, including an explanation of each deficiency to Respondent.
- 15. Within thirty (30) days of the effective date of the Order, Respondent shall submit a financial assurance plan for the closure of the "old chrome shop" CSA pursuant to 329 IAC 3.1-14-5. This plan shall identify the method of financial assurance which Respondent intends to use. It shall include an estimate of the cost to complete the closure plan submitted by Respondent in response to Order No. 14. Within thirty (30) days after the IDEM approves Respondent's closure plan, Respondent shall provide financial assurance in an amount equal to the estimated cost to complete the approved closure plan.
- 16. Upon notice of approval of the closure plan by the IDEM, Respondent shall implement the approved plan in accordance with the time frames contained therein. IDEM's final approval of the closure plan is subject to administrative and judicial review under IC 4-21.5. Stipulated penalties that may be due under

Order 20 for failure to implement the closure plan shall not be collected by IDEM for the period of any administrative or judicial review of the closure plan. Respondent may request reasonable extensions of time, in writing, for the implementation of the closure plan. The IDEM shall not unreasonably deny such requests.

17. Respondent shall address the storage of the F007, F008 and D002 wastes in its biennial report for the year 1993 pursuant to 329 IAC 3.1-7-14(b).

Respondent has submitted a revised 1993 Biennial Report to the IDEM on May 12, 1994. This revised Biennial Report addressed the storage of the F007, F008, and the D002 wastes at the facility.

18. Unless the Order indicates otherwise, all submittals required by this Agreed Order shall be sent to:

Mr. Richard R. Milton
Office of Enforcement
Indiana Department of Environmental
Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

19. Respondent is assessed a civil penalty of \$41,400. Said penalty amount shall be due and payable to the Environmental Management Special Fund in installments of \$14,000, \$14,000 and \$13,400, thirty (30), ninety (90) and one hundred eighty (180) days after the effective date of this Order, respectively, as directed by Paragraph 21.

20. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent shall pay a stipulated penalty in the following amounts:

<u>Violation</u>	<u>Penalty</u>
Failure to comply with time frames as specified in Orders 14, 15, and 16.	\$100/day 1st 7 days
	\$250/day 8-30 days
	\$500/day 31-60 days
	\$1,000/day over 60 days

The daily stipulated penalty amounts for any failure to comply with the time frames as specified in Order 16, shall be one-half of the amounts listed above.

Said stipulated penalty shall be due and payable within thirty (30) days after Respondent receives written notice from IDEM that a stipulated penalty is due. Assessment and payment of said stipulated penalty shall not preclude the Complainant from seeking any injunctive relief against the Respondent for violation of the Agreed Order.

In lieu of assessment of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's

violation of this Agreed Order, including, but not limited to, civil penalties pursuant to IC 13-7-13.

21. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the cause number and shall be mailed to:

Cashier
IDEM
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

22. In the event that the civil penalty required by paragraph 19 is not paid within thirty (30), ninety (90) or one hundred eighty (180) days (as applicable) of the effective date of this Agreed Order or the payment of the stipulated penalties assessed pursuant to paragraph 20 are not made within thirty (30) days of Respondent's receipt of IDEM's demand, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the civil penalty or stipulated penalty is due until the full civil penalty is paid.
23. If the Respondent or the Respondent's agent or contractor fails to comply with any requirements of this Order, and if such failure (1) is caused by persons or events beyond the control of the Respondent which cannot be overcome by due diligence and (2) delays any performance or makes impossible substantial performance of any obligations required under this Order, then such failure shall not be considered a violation of this Order, but rather to be a force majeure event. Respondent shall have the burden of establishing the existence of a force majeure event. Force majeure may not include inability by the Respondent to secure financial assurance necessary to perform the obligations required under this Order.
24. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, successors, subsidiaries and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
25. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. The Respondent shall provide a copy of this Order to all contractors, sub-contractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fourteen (14) days after the later of the effective date of this Order or the date of retaining their services. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.
26. Respondent shall comply with all applicable laws and all rules of any board created by Title 13 of the Indiana Code.

27. This Order shall be valid and enforceable the date this Order is adopted by the Complainant or her delegatee. However, all time periods shall run from the date Respondent receives this Order as executed by Complainant or her delegatee (hereinafter called "effective date"). This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

TECHNICAL RECOMMENDATION:

By: Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

Date: 2/17/95

RESPONDENT

Mid-City Plating Co., Inc.

By: Rodney Muzzarelli
Rodney Muzzarelli
General Manager

Date: 2/24/95

ATTORNEY FOR COMPLAINANT

By: S. J. 128
Office of Legal Counsel
Department of Environmental
Management

Date: 3/8/95

APPROVED AND ADOPTED BY THE INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This 15 day of March, 1995.

** FOR THE COMMISSIONER **

Rosemary Spalding
Rosemary Spalding
Deputy Commissioner